

PTO/SB/30 (09-03)

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/495,105
Filing Date	February 1, 2000
First Named Inventor	Graham B. McCloy et al.
Art Unit	2875
Examiner Name	Thomas M. Sember
Attorney Docket Number	SCH-00026

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☒ Other Please do not consider the previously submitted Amendment in Response to Decision on Appeal filed on October 24, 2003.
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Alternate Amendment and Petition

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 501612 (Warn, Burgess & Hoffmann, P.C.)
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Petition to Revoke (Unintentional) - \$1,330.00
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Gregory L. Ozga	Registration No. (Attorney/Agent)	53425
Signature		Date	February 13, 2004

CERTIFICATE OF MAILING OR TRANSMISSIONI hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: ~~Mail Stop RCE~~, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Gregory L. Ozga - Reg. No. 53425	Date	February 13, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/495,105
Filing Date: February 1, 2000
Applicant: Graham B. McCloy et al.
Group Art Unit: 2875
Examiner: Thomas M. Sember
Title: EXTERIOR REAR VIEW MIRROR HAVING A CHIN
STRAP AND A REPEATER
Attorney Docket: SCH-00026

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 CFR 1.114 TO BE
ENTERED UPON THE GRANT OF THE 37 CFR 1.181(a) PETITION TO WITHDRAW
THE HOLDING OF ABANDONMENT OR THE PROVISIONAL PETITION TO REVIVE
UNDER 37 CFR 1.137(b)**

Sir:

This is a Request for Continued Examination (RCE) of the above-referenced patent application. Applicant respectfully requests that the RCE be entered upon the grant of the pending Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a) or the Provisional Petition to Revive under 37 CFR 1.137(b). The petitions, along with this RCE, are being timely filed within two months of the Notice of Abandonment (i.e., prior to the commencement of termination proceedings). The Notice of Abandonment was mailed on December 15, 2003 and a timely filed petition would be filed on or before February 15, 2004. See 37 CFR 1.181(f).

Request for Continued Examination (RCE) under 37 CFR 1.114

37 CFR 1.114 sets forth the requirements for RCE. One of the requirements for filing an RCE is that it must be filed prior to the abandonment of the application. See 37 CFR 1.114(a)(2). For this reason, Applicant respectfully requests entry of the RCE upon the grant of either the pending Petition to Withdraw the Holding of Abandonment or the Provisional Petition to Revive under 37 CFR 1.137(b).

The second requirement for filing an RCE is that the prosecution of the application must be closed. 37 CFR 1.114(b). In the present case, prior to the holding of abandonment, the Board of Patent Appeals and Interferences had issued a decision affirming the Examiner, thus closing the prosecution of the application. However, it should be noted that the Examiner had removed the rejection of claims 33 and 34, and indicated that they would be allowable if rewritten in independent format. Therefore, Applicant submits that the entry of this RCE will be entered after the prosecution of the application has closed.

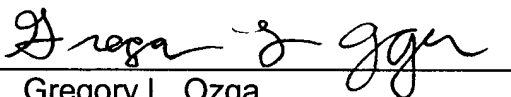
Another requirement under 37 CFR 1.114(c) is that a submission must be included with the RCE. As discussed in the accompanying Petition to Withdraw the Holding of Abandonment, Applicant had previously submitted an Amendment in Response to Decision on Appeal. This Amendment contained amendments to claims 33 and 34 in order to obviate the Examiner's objections and render these claims allowable. Additionally, other amendments were made to the claims of the application in order to amend the allowable matter from claims 33 and 34 into each of these claims. Applicant now respectfully resubmits this amendment which is now entitled "Amendment in Response to Decision on Appeal for Entry upon the Grant of the Petition to Withdraw the Holding of Abandonment or the Petition to Revive the Application under 37 CFR 1.137(c)." In the alternative, Applicant also submits a second alternate

amendment entitled "Alternate Amendment in Response to the Decision on Appeal to be Entered upon the Grant of the Petition for Withdrawal of the Holding of Abandonment or the Provisional Petition to Revive under 37 CFR 1.137(c)" which contains an amendment to claim 25 adding the subject matter of claim 33 and new claim 60, which includes the allowable matter of claim 34. All other claims have been cancelled in this Amendment. Applicant respectfully requests entry of this alternate amendment should it be determined that the original resubmitted Amendment does not comply with the rules for amending an application after the Board's decision.

Applicant believes that all of the requirements of 37 CFR 1.114 have been met and respectfully requests that this RCE be admitted for this application. Should the Office have any questions or require further information, please contact the undersigned at (248) 364-4300.

Respectfully submitted,

WARN, BURGESS & HOFFMANN, P.C.
Attorneys for Applicant(s)

By: 
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Dated: February 13, 2004

PRW:GLO:acw